

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

February 9, 2018

1:01 p.m.

MEMBERS PRESENT

Representative Matt Claman, Chair
Representative Jonathan Kreiss-Tomkins, Acting Vice Chair
Representative Gabrielle LeDoux
Representative David Eastman
Representative Chuck Kopp
Representative Louise Stutes (alternate)
Representative Charisse Millett (alternate)

MEMBERS ABSENT

Representative Zach Fansler, Vice Chair
Representative Lora Reinbold

COMMITTEE CALENDAR

HOUSE BILL NO. 129

"An Act relating to sport fishing, hunting, or trapping licenses, tags, or permits; relating to penalties for certain sport fishing, hunting, and trapping license violations; relating to restrictions on the issuance of sport fishing, hunting, and trapping licenses; creating violations and amending fines and restitution for certain fish and game offenses; creating an exemption from payment of restitution for certain unlawful takings of big game animals; relating to commercial fishing violations; allowing lost federal matching funds from the Pittman - Robertson, Dingell - Johnson/Wallop - Breaux programs to be included in an order of restitution; adding a definition of 'electronic form'; and providing for an effective date."

- MOVED CSHB 129(RES) OUT OF COMMITTEE

HOUSE BILL NO. 315

"An Act relating to the confidentiality of certain records on animals and crops; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 316

"An Act relating to the sealing of certain court records; restricting the publication of certain records of convictions on a publicly available website; relating to public records; and amending Rule 37.6, Alaska Rules of Administration."

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: HB 129

SHORT TITLE: FISH & GAME: OFFENSES;LICENSES;PENALTIES

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/15/17	(H)	READ THE FIRST TIME - REFERRALS
02/15/17	(H)	RES, JUD
03/29/17	(H)	RES AT 1:00 PM BARNES 124
03/29/17	(H)	Heard & Held
03/29/17	(H)	MINUTE(RES)
03/31/17	(H)	RES AT 1:00 PM CAPITOL 106
03/31/17	(H)	Scheduled but Not Heard
04/03/17	(H)	RES AT 1:00 PM BARNES 124
04/03/17	(H)	Heard & Held
04/03/17	(H)	MINUTE(RES)
04/05/17	(H)	RES AT 1:00 PM BARNES 124
04/05/17	(H)	Moved CSHB 129(RES) Out of Committee
04/05/17	(H)	MINUTE(RES)
04/07/17	(H)	RES RPT CS(RES) 6DP 3NR
04/07/17	(H)	DP: BIRCH, PARISH, WESTLAKE, DRUMMOND, TARR, JOSEPHSON
04/07/17	(H)	NR: TALERICO, JOHNSON, RAUSCHER
01/29/18	(H)	JUD AT 1:30 PM GRUENBERG 120
01/29/18	(H)	Heard & Held
01/29/18	(H)	MINUTE(JUD)
01/31/18	(H)	JUD AT 1:30 PM GRUENBERG 120
01/31/18	(H)	-- MEETING CANCELED --
02/05/18	(H)	JUD AT 1:30 PM GRUENBERG 120
02/05/18	(H)	Heard & Held
02/05/18	(H)	MINUTE(JUD)
02/07/18	(H)	JUD AT 1:00 PM GRUENBERG 120
02/07/18	(H)	Heard & Held
02/07/18	(H)	MINUTE(JUD)
02/09/18	(H)	JUD AT 1:00 PM GRUENBERG 120

BILL: HB 315

SHORT TITLE: CONFIDENTIALITY OF ANIMAL & CROP RECORDS

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/26/18 (H) READ THE FIRST TIME - REFERRALS
01/26/18 (H) JUD, RES
02/09/18 (H) JUD AT 1:00 PM GRUENBERG 120

WITNESS REGISTER

NOAH STARR, Staff
Representative Kreiss-Tomkins
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: During the hearing of CSHB 129, answered questions regarding Amendment 1.

BRUCE DALE, Director
Division of Wildlife Conservation
Department of Fish and Game (ADF&G)
Palmer, Alaska

POSITION STATEMENT: During the hearing of CSHB 129, answered questions regarding Amendment 3.

MAJOR BERNARD CHASTAIN, Deputy Director
Division of Alaska Wildlife Troopers
Department of Public Safety (DPS)
Anchorage, Alaska

POSITION STATEMENT: During the hearing of CSHB 129, answered questions regarding Amendment 3.

NATALIE WEBER, Regulations Program Coordinator
Division of Wildlife Conservation
Department of Fish & Game (ADF&G)
Palmer, Alaska

POSITION STATEMENT: During the hearing of CSHB 129, answered questions regarding Amendment 3.

CHRISTINA CARPENTER, Director
Division of Environmental Health
Department of Environmental Conservation (DEC)
Anchorage, Alaska

POSITION STATEMENT: During the hearing of HB 315, presented a PowerPoint presentation titled, "HB 315: Confidentiality of Animal and Crop Records" and answered questions.

DR. BOB GERLACH
State Veterinarian
Division of Environmental Health
Department of Environmental Conservation (DEC)
Anchorage, Alaska

POSITION STATEMENT: During the hearing of HB 315, testified and answered questions.

BRYCE WRIGLEY
Alaska Farm Bureau
Delta Junction, Alaska

POSITION STATEMENT: During the hearing of HB 315, testified in support of the legislation.

ARTHUR KEYES, Director
Division of Agriculture
Department of Natural Resources (DNR)
Palmer, Alaska

POSITION STATEMENT: During the hearing of HB 315, answered questions.

JENNIFER CURRIE, Senior Assistant Attorney General
Environmental Section
Department of Law (DOL)
Anchorage, Alaska

POSITION STATEMENT: During the hearing of HB 513, answered questions.

ACTION NARRATIVE

[1:01:43 PM](#)

CHAIR MATT CLAMAN called the House Judiciary Standing Committee meeting to order at 1:01 p.m. Representatives Claman, Eastman, Stutes (alternate for Representative Fansler), Kreiss-Tomkins (acting as Vice Chair), were present at the call to order. Representatives Kopp, LeDoux, Millett (alternate for Representative Reinbold) arrived as the meeting was in progress.

HB 129-FISH & GAME: OFFENSES;LICENSES;PENALTIES

[1:02:11 PM](#)

CHAIR CLAMAN announced that the first order of business would be HOUSE BILL NO. 129, "An Act relating to sport fishing, hunting, or trapping licenses, tags, or permits; relating to penalties for certain sport fishing, hunting, and trapping license violations; relating to restrictions on the issuance of sport fishing, hunting, and trapping licenses; creating violations and amending fines and restitution for certain fish and game offenses; creating an exemption from payment of restitution for certain unlawful takings of big game animals; relating to

commercial fishing violations; allowing lost federal matching funds from the Pittman - Robertson, Dingell - Johnson/Wallop - Breaux programs to be included in an order of restitution; adding a definition of 'electronic form'; and providing for an effective date."

CHAIR CLAMAN advised that subsequent to the meeting of 2/7/18, the Department of Administration (DOA) submitted an updated indeterminate fiscal note.

[1:03:25 PM](#)

REPRESENTATIVE KREISS-TOMKINS moved to adopt Amendment 1, Version 30-GH1687\D.1, Bullard, 1/30/18, which read as follows:

Page 5, line 14, following "subsection":

Insert ", as adjusted for inflation as provided in (d) of this section,"

Page 5, line 27:

Delete "a new subsection"

Insert "new subsections"

Page 6, following line 3:

Insert a new subsection to read:

"(d) Beginning July 1, 2023, and every five years thereafter, the department shall recalculate and update by regulation the restitution amounts provided in (b) of this section to adjust for inflation, based on a formula provided by the Department of Labor and Workforce Development, reflecting the change in the Consumer Price Index for the Anchorage metropolitan area compiled by the Bureau of Labor Statistics, United States Department of Labor, rounded to the nearest \$50 increment."

Page 7, line 13:

Delete "2017"

Insert "2018"

REPRESENTATIVE STUTES objected.

[1:03:35 PM](#)

REPRESENTATIVE KREISS-TOMKINS advised that Amendment 1 adjusts the restitution amounts within CSHB 129, which are belatedly adjusted for inflation after 30-odd years, to be adjusted for inflation every 5-years, out into the future. Thereby, he said,

the amounts will keep pace with economics and not become outdated as they have, which has been part of the cause for "the meat of this bill."

[1:04:23 PM](#)

REPRESENTATIVE EASTMAN noted that the amendment references "based on a formula" and requested a description of the formula.

REPRESENTATIVE KREISS-TOMKINS opined that the formula is that which the Department of Labor & Workforce Development (DLWD) uses to calculate inflation every year. While he does not know the inputs to the formula, he said he does know that this is a metric used in law for many of the state's administrative functions, and he described it as a "common CPI formula."

[1:05:31 PM](#)

REPRESENTATIVE EASTMAN asked whether there is a cap on how high these fees could be raised based on the formula.

REPRESENTATIVE KREISS-TOMKINS responded that he did not believe there was a cap because consumer price increase (CPI) over a 5-year period is approximately 4.5 percent, the restitution amounts would increase 4.5 percent. He opined that there would not be anything that limits the amount the restitution would increase because it would be tied to inflation, and if inflation runs away, the corresponding increase would also be there as well.

[1:06:25 PM](#)

REPRESENTATIVE EASTMAN asked whether his reading was correct in that this formula says, "\$25 and a penny" and that will bump it up to a \$50 increase.

[1:06:57 PM](#)

NOAH STARR, Staff, Representative Kreiss-Tomkins, Alaska State Legislature, responded that it would be rounded up to the nearest \$50 increment.

[1:07:41 PM](#)

REPRESENTATIVE EASTMAN commented that his initial thought was that this deals with some fairly large figures here and there could be fines up to \$25,000, even without an increase in

inflation. He offered concern that if these formulas work automatically, the legislature might be lax in its attention and it may go even longer than the 30-years. Potentially, he said, there could be large fees that the legislature should approve before the fees go into effect.

[1:08:39 PM](#)

REPRESENTATIVE KOPP offered concern for Amendment 1, noting that for any type of bail schedule or fee schedule printing or training, the more those issues can be standardized and stay the same is certainly better from an enforcement perspective or, in this case, a restitution perspective. Secondly, he said, the numbers amended with this bill have not been amended for at least two decades or longer, and the department offered the committee a number it believed would be reflective, not just for 5-years, but this would be "good to go" for some time. He opined that it would take some of the fluidity out of the law and make it easier to track over time, both from a training, printing, and updating method if the legislation was left as presented to the committee by the department.

[1:10:21 PM](#)

REPRESENTATIVE STUTES removed her objection.

REPRESENTATIVE EASTMAN objected.

[1:10:32 PM](#)

A roll call vote was taken. Representatives Kreiss-Tomkins, LeDoux, Stutes, and Claman voted in favor of the adoption of Amendment 1, Version 30-GH1687\D.1. Representatives Kopp, Millett, and Eastman voted against it. Therefore, Amendment 1 was adopted by a vote of 4-3.

[1:11:12 PM](#)

REPRESENTATIVE LEDOUX moved to adopt Amendment 2, Version 30-GH1687\D.5, Bullard, 2/8/18, which read as follows:

Page 2, line 31, through page 3, line 2:

Delete "**as provided in AS 12.55** [BY A FINE OF NOT MORE THAN \$1,000, OR BY IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BY BOTH]"

Insert "by a fine of not more than \$5,000 [\$1,000], or by imprisonment for not more than six months, or by both"

Page 4, lines 12 - 14:

Delete "punishable as provided in AS 12.55 [, AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$5,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY BOTH]"

Insert ", and [UPON CONVICTION] is punishable by a fine of not more than \$10,000 [\$5,000], or by imprisonment for not more than one year, or by both"

Page 6, lines 9 - 11:

Delete "[AND, UPON CONVICTION, IS] punishable as provided in AS 12.55 [BY A FINE OF NOT LESS THAN \$100 NOR MORE THAN \$500]"

Insert "and [, UPON CONVICTION,] is punishable by a fine of not less than \$100 nor more than \$1,000 [\$500]"

Page 6, lines 25 - 27:

Delete "[AND IS] punishable as provided in AS 12.55 [BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR OR BY A FINE OF NOT MORE THAN \$5,000, OR BY BOTH]"

Insert "and is punishable by imprisonment for not more than one year or by a fine of not more than \$10,000 [\$5,000], or by both"

Page 7, lines 2 - 5:

Delete "[, AND UPON CONVICTION IS] punishable as provided in AS 12.55 [BY IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BY A FINE OF NOT MORE THAN \$1,000, OR BY BOTH]"

Insert ", and [UPON CONVICTION] is punishable by imprisonment for not more than six months, or by a fine of not more than \$5,000 [\$1,000], or by both"

[1:11:17 PM](#)

REPRESENTATIVE LEDOUX advised that the \$25,000 figure the department changed for misdemeanors, appeared to be a bit too high for misdemeanors. Particularly, she offered, when these are misdemeanors against the people that the department would probably be able to collect money, so she changed the amount.

[1:11:58 PM](#)

REPRESENTATIVE EASTMAN asked what is the highest fee that would be assessed under Amendment 2.

REPRESENTATIVE LEDOUX responded that the highest fee assessed under the amendment would be \$10,000.

[1:12:31 PM](#)

REPRESENTATIVE KOPP asked whether Representative LeDoux had received any feedback from the Alaska Wildlife Troopers or anyone else regarding Amendment 2.

REPRESENTATIVE LEDOUX answered that she had not, and added that the administration, when going over this bill with her office staff, did not mention the change from ... "that there was going to be a now \$25,000 fine."

[1:13:14 PM](#)

CHAIR CLAMAN commented that he understands Representative LeDoux's concern in that if there is a potential \$25,000 fine limit on a class A misdemeanor, the folks charged with fish and wildlife violations may be one of the small number of folks in the state being fined at that higher level. From his personal experience in dealing with a few fish and wildlife criminal cases over the years, those cases tend to be plea negotiated and worked out in advance, he advised. In that regard, he did not see much potential in someone would receiving a \$25,000 fine that "they didn't actually decide was their choice to embrace for a variety of reasons." He added that he likes the idea of greater uniformity in the statute rather than many exceptions. While, he understands the concerns, he will be a no-vote on Amendment 2 even though it is an important issue and he was glad it was before the committee, he commented.

[1:14:48 PM](#)

REPRESENTATIVE STUTES removed her objection. There being no objection, Amendment 2 was adopted.

[1:15:11 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 3, Version 30-GH1687\D.4, Bullard, 2/8/18, which read as follows:

Page 2, following line 26:

Insert a new bill section to read:

"* **Sec. 4.** AS 16.05.340(a)(6) is amended to read:

(6) Resident hunting, trapping, and sport fishing license 75;

(A) however, the fee is \$5 for an applicant who has an annual family or household income equal to or less than the most recent poverty guidelines for the state set by the United States Department of Health and Human Services for the year preceding application;

(B) a person paying \$5 for a resident hunting, trapping, and sport fishing license shall [MUST] provide proof of eligibility under this paragraph when purchasing [REQUESTED BY] the license [DEPARTMENT]."

Renumber the following bill sections accordingly.

REPRESENTATIVE STUTES objected.

[1:16:26 PM](#)

REPRESENTATIVE EASTMAN referred to the handout received from the department regarding the numbers from 2017, [document unavailable], depicting that approximately [18,594] low-income licenses were sold in Alaska. The difference between a regular license and a low-income license is that it moves from \$94 to \$5, with a \$90 difference. He remarked that a number of concerns were raised over the fact that there is no verification for this \$90 license discount, where basically, a person goes to a clerk at Walmart and requests a low-income hunting or fishing license wherein the person's signature represents their qualification, and they pay \$5. There is no verification to that process resulting in a of significant amount of revenue not going to the state. The concerns are that much of those discounts are given to people who do not qualify and because there is no verification at the time of purchase, the Alaska State Troopers are required to follow up with questions as to how they qualify, which puts a burden on the troopers. He suggested that if the verification was in place, the troopers would not have to follow up with questions. This amendment encourages the department to ensure that there is some verification which could be as simple as showing their Supplemental Nutrition Assistance Program (SNAP) card or proof of SNAP eligibility to the clerk when purchasing a license, and significantly reduce the number of licenses sold fraudulently. Currently, he said, the revenue that was lost if "we're talking

about people paying the full price," was over \$1.6 million last year. Except, he advised, it is actually a much larger number because for every dollar spent on hunting or fishing licenses, the state receives a 3-to-1 federal match. Therefore, the amount of the foregone revenue for the state last year was actually over \$6.6 million if those licenses had been purchased at the full price. While, he said, the legislature does want people to continue to qualify for the low-income \$5 license, it is important they verify that they actually do qualify rather than simply being on the honor system.

[1:19:22 PM](#)

REPRESENTATIVE MILLETT referred to Representative Eastman's testimony that verifying a license was a burden to the Alaska State Troopers and asked whether he had anything to show the committee with which the troopers report that it is a burden.

REPRESENTATIVE EASTMAN advised that his office was in contact with some of the troopers and the policy is that if the troopers encounter a low-income license, they are required to ask questions and determine whether the person qualifies. He acknowledged that it is not an exhaustive investigation, but the troopers are required to "probe a little bit."

[1:20:16 PM](#)

REPRESENTATIVE MILLETT referred to Representative Eastman's testimony that there seems to be fraud and asked whether he had any evidence of fraud, and where he received that information.

REPRESENTATIVE EASTMAN answered that currently there are no verifications so there is no way of demonstrating the amount of fraud that takes place, "but we do hear from a number of people that those licenses are oftentimes being abused."

[1:20:43 PM](#)

REPRESENTATIVE KOPP asked Representative Eastman to describe the sufficient proof of eligibility when purchasing a low-income license at Fred Meyer, and other entities.

REPRESENTATIVE EASTMAN replied that currently, the Department of Health and Social Services (DHSS) ensures that people match the income eligibility for various state programs. In that regard, he said, if a person qualifies under one of those programs it would match the requirement for verification.

[1:21:33 PM](#)

REPRESENTATIVE LEDOUX referred to a person eligible for a SNAP card, and asked whether their income must be equal to, or less than, the most recent poverty guidelines, or whether they are eligible if they are over the poverty guidelines.

REPRESENTATIVE EASTMAN answered that the limits on poverty are established federally, and usually the state establishes some percentage based on those federal poverty guidelines that change from time to time. In the event a person qualifies for the SNAP program, he opined that the person is "pretty close to whatever income requirements you're signing off on from the department." He commented that this is a good question and, following the passage of Amendment 3, he would like to see the department give some attention that issue to verify the information is current and that it actually matches.

CHAIR CLAMAN listed the individuals on line from the Alaska Department of Fish & Game (ADF&G) available to testify.

[1:23:13 PM](#)

REPRESENTATIVE LEDOUX asked what sort of burden this might put on the vendors because it sounds like a good idea. When purchasing a license, there should be some requirement to show the applicant is low-income, and she does not want to overly burden the vendors, she said.

CHAIR CLAMAN advised that the folks from the Department of Fish & Game (ADF&G) could respond.

[1:24:05 PM](#)

CHAIR CLAMAN asked whether 18,594 licenses were received in 2017.

REPRESENTATIVE EASTMAN answered in the affirmative.

CHAIR CLAMAN (audio difficulties) person paying \$5 must provide proof of eligibility under this paragraph when requested by the department. He asked whether it was the ADF&G and not the person at the Walmart counter.

REPRESENTATIVE EASTMAN answered in the affirmative.

[1:25:10 PM](#)

BRUCE DALE, Director, Division of Wildlife Conservation, Department of Fish and Game (ADF&G), said he could speak to part of Representative LeDoux's question, but Major Chastain would be a better person to respond. In terms of the burden on the vendor, currently they have to sign that "they accept the license" (audio difficulties.) He explained that showing verification would not be a great burden on the vendor because it would be similar to the hunter showing their driver's license. The suitable piece of verification would have to be clear and standardized so there was no mistaking the proper verifications and the improper verifications, he stressed. Many people purchase through e-vendors online and those people would have to click a certification box or they would not be able to purchase online. He then deferred to Major Bernard Chastain, Department of Public Safety (DPS).

[1:27:11 PM](#)

REPRESENTATIVE LEDOUX asked whether there would be any online purchase verifications that the applicant actually did fall under the poverty line, other than a mere certification box. She further asked whether a SNAP card has a number on it wherein each person could input their SNAP number.

MR. DALE said was not familiar with what is on the SNAP card, and that the ADF&G would need to modify its programs to accommodate that entry of verification. He explained that when the applicant buys their license, they sign and certify that they do meet the criteria for the \$5 license.

[1:29:40 PM](#)

REPRESENTATIVE LEDOUX recalled a Senate election a few years ago wherein one of the candidates, who had graduated from law school, had one of these licenses. She opined that there is the possibility of fraud when a person does not have to provide any proof of eligibility when purchasing the license, and it leaves a big loop hole. She asked how much it would cost the ADF&G to change its program if Amendment 3 were adopted.

MR. DALE advised that he could not answer that question at this time.

CHAIR CLAMAN asked Major Bernard Chastain whether, under the state's current statutory scheme, in the event he was qualified

for the low-income license he would have the three following choices: show proof of eligibility at a Division of Alaska Wildlife Troopers office; go online and check a box that said he was eligible for this discounted license; or go to an entity that sold licenses and simply check the box stating he was eligible. He asked whether, under this amendment, all applicants would have to show proof of eligibility.

[1:30:52 PM](#)

MAJOR BERNARD CHASTAIN, Deputy Director, Division of Alaska Wildlife Troopers, Department of Public Safety (DPS), responded that currently, there is an affidavit on the back of the vendor copy of the license requiring the applicant to sign claiming they qualify for the reasons set in statute. The passage of "the fish and game bill last year" removed a portion out of AS 16.05.340 and it read that someone would qualify if they received something "to aid indigent." He referred to Amendment 3, [Version D.4, AS 16.05.340(a)(6), page 1, lines 4-8] and advised that the person must at least meet below the recent poverty guidelines set by the United States Department of Health and Human Services and, he opined, it is a poverty guideline based upon income. He explained that as far as the actual enforcement of the statute, when an applicant signs the affidavit on the back of the license claiming they qualify, the actual crime is false statement on a license application. He pointed out that showing proof of qualification would require an applicant to show proof that they qualified at the time of purchase to whomever is the vendor, which would include Chair Claman's examples, as well as checking a box online claiming they qualify. Although, he remarked, there would be potential problems with the online purchases of licenses in that scenario because the applicant would not actually be showing proof and would simply check a box and sign the license when they receive it. There would be some question about what the proof would be when someone came in to purchase the license, and what document they would have to have to show that they actually met the poverty guidelines, he said.

[1:33:11 PM](#)

REPRESENTATIVE LEDOUX commented that she did not know how many years this program had been in existence and asked the number of people that had been prosecuted when offering improper information.

MAJOR CHASTAIN responded that he does not have the exact numbers, but the division successfully prosecutes people who are not honest on these types of licenses each year. It is not a burden for the Alaska Wildlife Troopers because they already check licenses in the field for this situation, and for people who claim false residency. While he does not have the exact number of people cited and prosecuted each year, it does include an investigation into whether the person qualifies.

[1:34:29 PM](#)

REPRESENTATIVE LEDOUX asked the sort of questions an Alaska Wildlife Trooper may ask someone when suspicious, how does the trooper determine whether someone met that standard, or at least met that standard when purchasing the license.

MAJOR CHASTAIN answered that the troopers ask a few questions when suspicious to determine whether they need to conduct a further investigation into a potential crime. For example, a trooper may ask, "How do you qualify for this license," and if the person says they qualify because they fall below the federal poverty guidelines, "we're done." In the event the person does not know how they qualify for that license, there might be a further investigation.

[1:35:48 PM](#)

REPRESENTATIVE LEDOUX asked for clarification that even though the person is outfitted in expensive gear, if a trooper asks how they qualify for a license and they say they are under the federal poverty guideline, "that's it?"

MAJOR CHASTAIN replied that it depends upon the totality of the situation, if the troopers are suspicious of the answer in any manner, there may be a further investigation to determine whether they qualify. He offered that one way to determine the person's qualification is how much income they make in a year, which requires more investigation because it includes a household income. In this situation, there may be other factors to consider, such as a spouse or other people living in a household that would meet that qualification to meet this statute, he said.

[1:37:03 PM](#)

REPRESENTATIVE LEDOUX opined that she thought Major Chastain had testified that they ask the person how they qualify for the

reduce rate and if they say they meet the federal poverty guidelines "that's it." She asked whether she misunderstood Major Chastain statement because now it appears he is talking about the totality of the circumstances which seems somewhat different than if the person says they met the income standards, they are finished.

MAJOR CHASTAIN acknowledged that he did say that because this is a sensitive issue when it comes to asking people about their household income. In these situations, the troopers have been directed to use their law enforcement experience to determine whether someone was being truthful, and many factors go into that decision.

CHAIR CLAMAN commented that one would hope if a person drove up in a fancy new boat with a brand-new engine and had a poverty license, the trooper would be skeptical.

[1:38:32 PM](#)

REPRESENTATIVE STUTES asked whether this is a significant problem for the Department of Public Safety (DPS).

MAJOR CHASTAIN answered that the DPS does not have many of these problems per year, although he does not have the exact numbers. He added that the troopers deal far more with residency-related cases than in low-income licenses.

[1:39:21 PM](#)

REPRESENTATIVE STUTES referred to Representative Eastman's statement that he had "several complaints" and asked who had offered these complaints because Representative Eastman had arbitrarily said that this is a problem. She pointed out that this issue did not sound like it really was a significant problem.

REPRESENTATIVE EASTMAN advised that it is a difficult problem to measure because when measuring prosecutions there are not many. The problem becomes, how to get to the level of prosecution when the state is basically taking someone's honor that they qualify. He advised that the concerns brought to him from some members of the department "anecdotally saying that they do believe this is, in fact, a significant problem, and others as well."

[1:40:25 PM](#)

REPRESENTATIVE STUTES asked to which department he was referring.

REPRESENTATIVE EASTMAN responded, "I was specifically referring to conversations I've had, in some cases, Public Safety.

[1:40:41 PM](#)

REPRESENTATIVE MILLETT asked Major Chastain how difficult it would be to change the application because currently, there is an affidavit to sign and attest to the truth of "what you're applying for" as far as residency, and she assumed that would work for income verification levels. She asked what type of re-tooling would be necessary for the department to make this work.

MAJOR CHASTAIN deferred to the Department of Fish & Game (ADF&G).

MR. DALE deferred to Natalie Weber.

[1:42:20 PM](#)

NATALIE WEBER, Regulations Program Coordinator, Division of Wildlife Conservation, Department of Fish & Game (ADF&G), responded that there are a couple of different options if modifying its software to implement this change, as follows: the first change would be dependent upon access to an electronic database of annual gross income amounts - possibly a database managed by another department - under that scenario the license would be issued electronically by "our electronic" vendor system or the internet, and it would basically be used to verify eligibility, and the issuance of a license would be based on a positive match with the database; and absent access to an electronic database, actual staff would be required to match whatever information the customer provided with one of the other agencies responsible for maintaining that list. She commented that there would definitely be issues to work through; however, it could be accomplished.

[1:43:41 PM](#)

REPRESENTATIVE MILLETT referred to Representative Eastman's testimony that for those falsely claiming to be low-income, the state was losing matching fund dollars. She requested the actual formula for fishing licenses, and how that works.

MS. WEBER advised that the license dollars are eligible for a federal match and if this money does not go to the department, ADF&G loses out on the federal match dollars as a result.

[1:44:33 PM](#)

REPRESENTATIVE KREISS-TOMKINS asked that in the event Amendment 3 was adopted, what was the likelihood this bill would receive a fiscal note in order to implement the online component of Amendment 3, within the various scenarios she had described.

MS. WEBER said that she could not answer that question right now.

REPRESENTATIVE KREISS-TOMKINS asked whether costs or fiscal impacts would be involved in the database matching she had described.

MS. WEBER deferred to Mr. Dale.

[1:45:42 PM](#)

MR. DALE answered that there would be a small fiscal note but he was unsure whether the small cost would actually require a fiscal note because the department is in the process of making some of those software changes and this would be another task added to those efforts. The other factors in terms of cost to consider is, if the burden of proof that was required was not clear enough, or it was varied in its manner, that would probably be a burden to the purchaser.

It might also preclude the folks at the stores (audio difficulties) vendors, and if these licenses cannot be sold through vendors, the people would probably opt out of the system. He offered that the department has always preferred to make the licenses as assessible as possible so people could be in the system, the department could manage the resources better, and that they rely on the Alaska State Troopers for enforcement.

[1:47:19 PM](#)

REPRESENTATIVE KREISS-TOMKINS described that one of the scenarios would be cross-referencing the databases of gross income in order to determine whether people were below the poverty line. He asked whether such a database exists in Alaska.

MR. DALE replied that he was certain that "neither of us can answer that."

REPRESENTATIVE KREISS-TOMKINS asked whether he was aware of the existence of such a database.

MR. DALE answered that he was not aware of such a database.

[1:48:14 PM](#)

REPRESENTATIVE KREISS-TOMKINS referred to the 18,594 low-income licenses sold and asked the total number of non-low-income licenses sold in calendar year 2017 for resident licenses.

MR. DALE offered that he did not know the number off-hand and opined that there were 140,000 total licenses.

MS. WEBER responded that she did not have the 2017 license information with her; however, the department website cites that for resident hunting licenses there were upwards of 300,000 issued in 2016.

REPRESENTATIVE KREISS-TOMKINS commented that "a spreadsheet" [handed to Representative Kreiss-Tomkins from the committee aide] indicated that the number was just shy of 200,000 residential licenses.

[1:50:15 PM](#)

REPRESENTATIVE MILLETT referred to the 18,594 low-income licenses figure and asked whether it was Mr. Dale's view there is widespread abuse on this program because it sounded like there could be some money the Department of Fish & Game (ADF&G) could use.

MR. DALE answered that he does not believe there is widespread abuse due to his personal experiences and distributing (indisc) licenses in rural Alaska and occasionally in Fairbanks, "awhile back." He offered that he does not believe most people want to cheat and they certainly do not want to necessarily brag about their low-income, but there are no statistics.

[1:51:53 PM](#)

CHAIR CLAMAN pointed out that the maker of Amendment 3 testified, without naming names, that he was told by the Alaska Wildlife Troopers this is a problem. Chair Claman asked whether

it was the department's perspective that abuse is a problem in terms of people taking advantage of the low-income hunting, fishing, and trapping license option.

MR. DALE responded that he is only able to present his opinion because he did not ask for the statistics and stated that he does not believe abuse is widespread, as Major Chastain had testified to earlier, and that falsifying residency is a much larger problem.

[1:52:52 PM](#)

REPRESENTATIVE MILLETT commented that Amendment 3 is reasonable because low-income folks do have verification readily available, whether it is low income certificates, SNAP card, WIC card, or reduced grocery certificates. She asked whether this amendment is broad enough that the department could write the regulation and give it the authority to accept various forms of those significant verifications.

[1:54:06 PM](#)

REPRESENTATIVE LEDOUX commented that, while she would like to believe most people are honest, she believes it helps people to be honest when they have to provide verification with their statements. She said that she suspects people probably take advantage of the program whether or not the abuse is widespread, and to write a regulation wherein the vendors simply review the verification. She commented that in the event someone is to receive a benefit, there should be some proof they are eligible for that benefit.

[1:55:40 PM](#)

REPRESENTATIVE STUTES commented that she has a difficult time with Amendment 3 because she does believe most people are honest, and that this is another layer of bureaucracy. She then compared it to the some of the programs that support people who are clearly able to work and are not working. She reiterated that she has a hard time supporting Amendment 3, particularly when the department believes it is not really a problem.

[1:56:29 PM](#)

REPRESENTATIVE KREISS-TOMKINS commented that he was unsure this is a problem that requires a solution. He commented that he will speak with some of the clerks around his hometown as to

their impression whether there is a perception of abuse. He acknowledged that he was unaware that low-income licenses existed in Alaska which shows that "I live in a hole" or people are not bragging about it if they are abusing the system. He pointed out that he could not see how this could work with an online component, and that the online eligibility verification and that non-existing database needs to be flushed out a bit more than this 20 minutes of committee discussion. His impression, he offered, is "maybe catching ADF&G a little bit flat footed." He related that the policy mechanics need to be worked out, particularly with the online side of things, and he would be a no-vote on Amendment 3.

[1:58:15 PM](#)

REPRESENTATIVE KOPP commented that he supports Amendment 3 because it is reasonable.

[1:58:25 PM](#)

CHAIR CLAMAN commented that he echoes Representative Kreiss-Tomkins comments because he has real concerns as to whether abuse is a problem, and that Amendment 3 is a solution in search of a problem that does not exist. He reminded the committee of the testimonies from the Alaska Wildlife Troopers and that prosecutions for false residency takes place with some frequency. He noted that he is troubled by this amendment because it puts the burden on the people issuing the licenses, whether it is Walmart, Alaska Mill and Feed, or different stores specializing more in hunting and fishing. He noted that certain vendors have expressed unhappiness with the new federal government requirements put on folks selling firearms, and "how unhappy they are feeling like they are policing this deal for purchasing firearms." He said that he does not like the idea without having had a more detailed vetting with more input from vendors and the department. The department itself says that this is not a problem, and the director of the department who was actually involved in selling hunting and fishing licenses in Fairbanks and the rural communities, does not see this as a problem. For all those reasons he cannot support Amendment 3, he said.

[2:00:15 PM](#)

REPRESENTATIVE EASTMAN pointed out that the price of hunting licenses increased to \$94, and opined that when considering the federal match, even one person fraudulently procuring a license

would cost the state \$356 in revenue. He described that it is an uncomfortable situation when a trooper has to ask someone about their income, and by requiring verification alleviates that discomfort in not asking that question at all. Currently, he advised, military veterans must provide verification when buying a discount license, albeit it for more than just one year, but it is appropriate that other proof be provided for non-veterans as well.

REPRESENTATIVE STUTES maintained her objection.

[2:01:17 PM](#)

A roll call vote was taken. Representatives Eastman, Kopp, LeDoux, and Millett (alternate for Representative Reinbold) voted in favor of the adoption of Amendment 3. Representatives Stutes (alternate for Representative Fansler) voted against it. Therefore, Amendment 3 was adopted by a vote of 4-3.

[2:02:21 PM](#)

REPRESENTATIVE KOPP commended Alaska Wildlife Troopers, Major Chastain, and the other staff that brought CSHB 129 forward because moving a number of these offenses into the violation section, not only deals with the court's resources in prosecuting misdemeanors, but it also puts forward meaningful dollar fines and reminders that the law must be enforced and respected. This legislation will streamline their operations, save court resources, keep accountability at a higher level in the law, and in the case of commercial fishing, it will allow the fishermen to get right back to fishing, he advised.

REPRESENTATIVE KREISS-TOMKINS said he would like to associate himself with Representative Kopp's comments.

[2:03:37 PM](#)

REPRESENTATIVE EASTMAN reminded that the committee that many portions in the legislation deal with violations or offenses that do not involve any culpable mental state, whether it was an accident or on purpose, it makes no difference in the law because the person is still guilty of that offense. He offered concern especially when dealing with fines of up to \$10,000 for those folks who are not intentionally doing wrong as maybe it is their first visit to Alaska or their first-time hunting or fishing. While he thinks the legislature wants to encourage people to do right and that penalties are good, he pointed out

that there are so many different portions in this bill "where there is no requirement for anyone, law enforcement, or otherwise" to demonstrate that it was intentional.

[2:05:01 PM](#)

REPRESENTATIVE KREISS-TOMKINS moved to report CSHB 129(RES), Version 30-GH1687, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 129(JUD) moved from the House Judiciary Standing Committee

[2:05:28 PM](#)

The committee took an at-ease from 2:05 p.m. to 2:10 p.m.

HB 315-CONFIDENTIALITY OF ANIMAL & CROP RECORDS

[2:10:16 PM](#)

CHAIR CLAMAN announced that the final order of business would be HOUSE BILL NO. 315, "An Act relating to the confidentiality of certain records on animals and crops; and providing for an effective date."

[2:10:44 PM](#)

CHRISTINA CARPENTER, Director, Division of Environmental Health, Department of Environmental Conservation (DEC), turned to the PowerPoint presentation titled, "HB 315: Confidentiality of Animal and Crop Records," slide 1, and advised that the Division of Environmental Health worked with Governor Bill Walker's office to introduce HB 315 because for at least the last 10-years, the division has heard from the agricultural producers that they would like the same level of protection provided to other commercial industries. This protection would be by keeping the animal importation and animal testing results confidential. This legislation, she explained, would afford those producers the same protection currently offered to commercial fishermen, for example, the Department of Fish & Game (ADF&G) has a similar statute. This bill amends AS 03.05 and adds new sections authorizing the records held by Office of the State Veterinarian (OSV) to be confidential, she reiterated. This has been a coordinated effort with the Departments of Environmental Conservation and Natural Resources, and she advised that this presentation will reference the records contained in the Division of Environmental Health, but this

would also give similar protection to the Department of Natural Resources (DNR), Division of Agriculture, who often holds crop testing records.

[2:12:54 PM](#)

MS. CARPENTER turned to slide 3, titled "HB 315: Need Overview" and explained that farmers requested this legislation because if they work with her division on disease issues, that that information may be subject to a public records release. The division views this as an agricultural Health Insurance Portability and Accountability Act of 1996 (HIPAA), and would provide those testing records and animal health records held in the division as confidential. Therefore, this legislation would be more protective of public health because it would allow producers to engage with the division early on if there was a disease outbreak or a morbidity event in which the division could respond.

MS. CARPENTER then turned the presentation over to Dr. Bob Gerlach, Alaska State Veterinarian regarding the role of his office and the records the division is often responsible.

[2:14:23 PM](#)

DR. BOB GERLACH, State Veterinarian, Division of Environmental Health, Department of Environmental Conservation (DEC), turned to slide 4, titled "Office of the State Veterinarian" and advised that his office is to responsible for the following: prevention, control, and eradication of diseases in animals, including livestock and pets; safeguard the health and food production in the state; and prevent public health issues. Many of these functions rely on his office to gather information necessary to investigate an outbreak of a disease and know where the risks are that are involved with the disease. This would include: where animals are housed; animal movements; animal imports; animal test records; and provide disease surveillance records to show proof of concept, or proof of the state's freedom from disease.

[2:15:34 PM](#)

DR. GERLACH turned to slide 5, titled "Program Functions and Record Examples," and advised that the Office of the State Veterinarian (OVR) maintains reportable disease records containing reference data from slaughter plants, laboratories, farms, and veterinarians. He explained that this slide depicts

some of its program functions, and basically these are different functions available to collect the data it needs to understand the risks involved with diseases in the state. Many functions related to the animal input records that OSV has gathered data from a health certificate, as well as input records from animals coming into the state which provides animal inventories, disease test records for these animals, origin, and destination of the animals, he explained. Therefore, he offered, in the event or an outbreak, the OSV could determine the location of that outbreak and where those animals traveled to and from the state. It also involves reporting of morbidity and mortality investigations that the OSV may be involved in with other state agencies. Many of these programs are certification programs such as, the dairy program and the produce food safety program, wherein if a producer wants to enter a market they must meet federal requirements and provide his office with this information and provide testing information to qualify and sell their products. He explained that the Chronic Waste and Disease Program or the National Poultry Improvement Plan provides certification for these producers to show that the products they are producing are free of disease, have a high standard of quality, or validate the quality. For example, he offered, Grade A milk to be sold within the state requires proof of animal health and proof and verification of food safety being produced.

[2:17:55 PM](#)

DR. GERLACH turned to slide 6, titled "Alaska Animal Imports: OSV Records," and advised that the slide depicts some of the import records OSV collects, and verification of the number of imports associated with the number of animals coming into the state. The slide illustrates the increase in the amount of information gathered and records that OSV maintains as the farmers and backyard operators begin to import animals or own animals in the state. The Produce Food Safety Program was recently created, due to an FDA requirement, wherein OSV collects data and information on many agricultural farms that requires the farmers to provide some personal data, business data, and proprietary data. He noted that many other states are gathering this same information and requiring that state to address this issue and provide protections for personal, proprietary, and business data to protect these individual farms and businesses. Except, he said, also allowing release of that data, when necessary, to follow-up on an investigation if there is an outbreak, determine the source of the outbreak, and perform the functions of which the OSV is required. For

example, he explained, provide animal health, ensure animal health, protect public health, and make sure food safety is of primary concern. In that regard, he advised, in the event of an outbreak, "we do share that information" with the OSV's collaborative partners to perform these investigations and determine what could be done to mitigate this threat and correct an outbreak.

[2:19:48 PM](#)

DR. GERLACH turned to slide 7, titled "Disease Outbreaks in Alaska," and noted that the slide depicts an example of some of the disease outbreaks that have occurred in Alaska, and offers an appreciation for the number of diseases. He pointed out that the slide shows some of the diseases that may solely affect animals, and in those cases it works with the following: veterinarians in the state; the Department of Fish & Game (ADF&G) because the state does not want a domestic outbreak to move into the wildlife; the United States Department of Agriculture (USDA); and if the situation involved public health issues it would work with the Division of Public Health, Department of Health and Social Services (DHSS), as well as the Centers for Disease Control and Prevention (CDC).

[Slide 8 was described at timestamp 2:21:30.]

[2:20:35 PM](#)

DR. GERLACH turned to slide 9, titled "HB 315: Benefits," and advised that the intent of this legislation is to protect personal, proprietary, and business information, yet share that data when necessary to protect animal health resources in the state, public health, and food safety. He explained that it is not that the OSV would collect it and not share it, because it does share that data in a general format when there is an outbreak to let veterinarians and farmers know there is an issue, and that they should increase their biosecurity or their preparedness in order to prevent the infection from entering their farm or affecting their animals.

[2:21:30 PM](#)

MS. CARPENTER turned to slide 8, titled "HB 315: Sectional Analysis," and advised that Section 1 amends AS 03.05 to make certain animal and crop records, maintained by the Department of Environmental Conservation (DEC) and the Department of Natural Resources (DNR), exempt from the Alaska Public Records Act if

they contain personal, business, or proprietary information. This legislation does allow the Office of the State Veterinarian (OSV) to disclose that information if the department determines there is a threat to the health or safety of an animal, crop, or the public. Section 2 allows DEC and DNR to adopt regulations to implement the Act, and at this time DEC does not foresee a need to adopt regulations. Section 3 provides for an immediate effective date, she said.

[2:22:39 PM](#)

MS. CARPENTER turned to slide 9, titled "HB 316: Benefits" and added to Dr. Gerlach's testimony by noting that HB 315 has a number of benefits specific to the agricultural industry growth. It is the hope of OSV that by engaging with the OSV more often, that there will be more routine surveillance testing of crops and animals which would results in a higher quality product for sale with increased production efficiency. There would also be early identification and testing of sick or dead animals and in the event of a disease outbreak, it would be contained, and the OSV would keep that proprietary data confidential from potential competitors.

[2:23:35 PM](#)

REPRESENTATIVE LEDOUX referred to Dr. Gerlach's testimony that a reason for the bill was to prevent public health hazards and not end up with the public health hazard of a sick animal. In the event the sickness is a public health hazard, she asked why the testing is voluntary.

DR. GERLACH answered that some of the testing is voluntary and other testing is required based on state and federal regulations for access to markets in the sale and movement of animals.

[2:24:41 PM](#)

REPRESENTATIVE LEDOUX requested an example of what disease tests are voluntary and what tests are not voluntary.

DR. GERLACH responded that there is no required salmonella testing in poultry, such as a backyard chicken house or a large-scale producer selling eggs. Salmonella is a public health disease that can cause illness in people and those people performing voluntary testing use the results to show the quality of their product and use that information as a sales marketing tool, in comparison to other producers. Required disease

testing, for example, would be brucellosis testing for those animals producing milk to be sold for consumption in the state, the Grade A milk and cows must be tested. He offered that brucellosis is very transmissible through animals and can make them sick, but also can be transmitted to people and cause severe illness, he explained.

[2:25:57 PM](#)

REPRESENTATIVE LEDOUX surmised that brucellosis testing is mandatory, and salmonella is voluntary, and asked whether brucellosis is lethal and salmonella is not lethal.

DR. GERLACH explained that brucellosis was identified in the early 1900s as a widespread disease within the animal industry with current continuing pockets of brucellosis within the wildlife in Alaska and the Greater Yellowstone area. Due to the wide distribution of dairy products throughout that early time period for brucellosis, and with the advent of pasteurization, the testing is still required because it is a venereal disease that can spread silently through a herd causing severe problems and put the farmer at risk. Salmonella, he explained, can cause severe illness but it is such a widespread disease that is routinely found in the environment throughout the state. The intention here is to try to decrease the risk for a transmission of disease to people. In the event a person ate a raw egg, their chance of ingesting salmonella could be upwards of about 10 percent of the commercial eggs having salmonella, he said, and cooked eggs may be lower. He said that it is not based on the OSV's determination but what federal or other laws have already been required.

[2:28:28 PM](#)

CHAIR CLAMAN asked whether that was a long-hand way of saying there was a risk benefit analysis, and based on that analysis, "they are choosing" what is and is not mandatory.

DR. GERLACH answered in the affirmative.

[2:28:43 PM](#)

REPRESENTATIVE LEDOUX commented the brucellosis risk benefit analysis happened 100 years ago.

DR. GERLACH agreed, and he advised that if brucellosis disease moves from state to state, there are strong regulations to

prevent that spread between any cattle or elk in the Greater Yellowstone area, and the states of Wyoming, Idaho, and Montana. The implications of a disease spreading causes a great impact on the general commercial industry, and in the event that disease spread within the commercial industry within the United States, that could impact global trade issues with respect to the movement of animals and animal products out of the country, he explained.

[2:29:29 PM](#)

REPRESENTATIVE LEDOUX surmised that the testing is for the industry and trade as opposed to public health.

DR. GERLACH answered that the testing performs both purposes, it protects the industry and commerce on a local, state, and global commercial level; as well as protects public health.

[2:30:12 PM](#)

REPRESENTATIVE EASTMAN said that the Matanuska-Susitna Valley is proud of its agriculture, particularly the "Alaska Grown" program piece. He referred to the Senate State Affairs Standing Committee wherein Ms. Carpenter had mentioned partnering with the Division of Agriculture to investigate abuses of the "Alaska Grown" program, and he asked her to speak to that issue.

MS. CARPENTER advised that, under current state law, if DNR is looking into an abuse of the "Alaska Grown" program, the OSV could provide that information to DNR. Under this legislation, the OSV would no longer be allowed to provide that information to DNR unless there was a public health risk. Although, she said, because the "Alaska Grown" program is voluntary, it would be possible for DNR to require those animal importation records as part of its verification process and remove DEC from the middle of the process.

[2:32:15 PM](#)

REPRESENTATIVE EASTMAN offered concern that when addressing confidentiality, some of the information regarding which animals are [imported into] Alaska will be harder to access for the public. There may not be a robust and aggressive investigation into the prosecution of abuses regarding the "Alaska Grown" program, and he asked the last time someone was prosecuted for abuse of this program.

MS. CARPENTER advised that the "Alaska Grown" program is under DNR and she could not speak to that issue.

[2:33:17 PM](#)

REPRESENTATIVE KOPP asked Dr. Gerach whether he was part of the family from Glennallen.

DR. GERLACH advised that his family was originally from Pennsylvania and not from Glennallen.

[2:33:47 PM](#)

CHAIR CLAMAN surmised that the gist of this bill is to try to put farm and ranch producers on equal footing with seafood producers and the manner in which information is handled. This would be with regard to disease and the confidentiality of those records, and when the department can make public those records, and be treated in the same manner as the seafood industry, he offered.

DR. GERLACH added that this would also provide protection of personal and business data, not just from any proprietary business data. He explained that for anyone running a business, it would be protection of their business and marketing plan, it is not solely related to food safety issues.

[2:34:48 PM](#)

CHAIR CLAMAN offered a scenario of one particular producer having a diseased product and asked whether this bill would allow the public identification of that producer or would this prevent the identification of that one specific producer.

DR. GERLACH answered that the information would be released to other collaborative partners in the event of a public health threat, or in order to investigate, contain, and remove that threat. Thereby, allowing the continuation of business throughout the state so that other producers are not involved and impacted by that disease outbreak or contamination, or a public health threat associated with their products, he explained.

[2:36:01 PM](#)

REPRESENTATIVE EASTMAN referred to slide 6, noting that the state has imported more than 95,000 animals during this last year and asked whether that is a trend he expects to continue.

DR. GERLACH answered that that trend is expected to continue because there are a large number of small backyard operations importing poultry for meat and egg productions and sales. He also noted an increase in swine and cattle to meet the needs for local market demand in restaurants and stores.

[2:36:45 PM](#)

REPRESENTATIVE EASTMAN noted that 401 horses were imported in 2017, and he asked Dr. Gerlach to speak to what is driving those imports.

DR. GERLACH referred to the chart for 2016 and noted there was not "too much of a variation," but there had been an increase in pleasure horses and pack/work horses entering the state used for guides and trail rides. The number of pleasure horses increased drastically and the movement throughout the lower '48 has increased much more than is being seen here, he advised.

[2:37:33 PM](#)

REPRESENTATIVE EASTMAN asked Dr. Gerlach to address the concern that this confidentiality makes it harder for the public to know whether an animal entered the state from Canada or was actually Alaska grown. In the event the animal was not Alaska grown but yet someone puts that label onto it, he asked how this bill is serving, through confidentiality, to sweep that fact under the rug.

MS. CARPENTER reiterated that the "Alaska Grown" program is held under DNR and it is up to DNR to make sure the producers qualifying for that program meet DNR's requirements. She deferred to DNR to address the concerns from producers that other producers may not meet those requirements.

[2:39:25 PM](#)

CHAIR CLAMAN pointed out that it was clear the DEC could not answer any questions about the "Alaska Grown" program.

REPRESENTATIVE EASTMAN asked whether there was a DNR person online to address those issues.

CHAIR CLAMAN said the committee would move to public testimony because someone online is from DNR.

[2:40:02 PM](#)

CHAIR CLAMAN opened the public hearing on HB 315.

[2:41:04 PM](#)

BRYCE WRIGLEY, Alaska Farm Bureau, advised that the Alaska Farm Bureau is deeply committed to strengthening security in Alaska by growing more of its own food. This, he commented, requires commitment from farmers and statutes/regulations encouraging local food production and processing. He pointed out that this legislation is important because it will encourage farmers and ranchers to communicate their concerns about their crops or animals to the state agencies without fear that information will become public. For example, he offered, a competitor could leverage information about a neighbor's problem in order to increase their own market share. Also, he offered, the voluntary testing of animals or agricultural products allows for early detection of a disease and allows treatment to be taken, thereby, decreasing the potential for more serious outbreaks. In spite of the benefits, he related that many farmers are reluctant to subject their animals or products to this voluntary testing because the results of those tests are not confidential. He said that the Alaska Farm Bureau believes the state agencies should function as a resource to help its members be successful, and that cultivating that partnership is vital to developing a strong local food system in Alaska. He then encouraged the committee to pass this bill as it does no harm and it will build trust between the state's food producers and the government. In working together, they can transform the state's food (indisc.).

[2:42:43 PM](#)

CHAIR CLAMAN, after ascertaining no one wished to testify, closed public testimony on HB 315.

CHAIR CLAMAN advised Mr. Keys, Division of Agriculture, that a member has questions regarding the "Alaska Grown" program, how it intersects with HB 315, and the position of the Department of Natural Resources (DNR) on this legislation.

[2:43:35 PM](#)

ARTHUR KEYES, Director, Division of Agriculture, Department of Natural Resources (DNR), related that it is important the farmers' trust the government when they have a problem. Certainly, Dr. Gerlach was professionally speaking on the livestock side of things, and on the plant side, he advised that the Division of Agriculture provides testing for the farmers as needed. As Mr. Wrigley had advised, he stated that it is important the farmers trust that when they go to DNR with a problem, that DNR is able to help them address their problem without fear a neighbor may be able to use the legal Freedom of Information Act (FOIA) process to use that information against the farmer on the marketing side of things. He expressed that the importance of trust could not be understated, including the importance of the relationship between DNR and its farmers.

[2:44:45 PM](#)

REPRESENTATIVE EASTMAN asked the last time someone had been prosecuted for an abuse of the "Alaska Grown" program.

MR. KEYES answered that he could not say there had been a prosecution, but there was a 2016 lawsuit wherein the State of Alaska sued the Mat-Su Chapter of the Alaska Farm Bureau over the use of the logo.

[2:45:17 PM](#)

REPRESENTATIVE EASTMAN asked whether the fact that cattle or a horse had been imported from out-of-state is proprietary information or should that information be available to the public.

MR. KEYES opined, after listening to Dr. Gerlach's testimony today, that an animal being imported into the State of Alaska would not be protected information, and the proprietary business information attached to that would be confidential.

[2:46:03 PM](#)

REPRESENTATIVE EASTMAN asked whether "becoming confidential" would make it more difficult for the public to determine whether an animal had been Alaska grown.

CHAIR CLAMAN pointed out to Representative Eastman that Mr. Keyes' answer was that the information that the animal originated in Canada was not confidential.

MR. KEYES answered that Chair Claman was correct.

CHAIR CLAMAN verified that the confidential information has to do more with disease issues, such as brucellosis and salmonella, but in terms of the fact where the animal originated (audio difficulties).

[2:46:52 PM](#)

REPRESENTATIVE EASTMAN asked whether this bill would make that type of information more difficult for the public to obtain or would it stay the same as it is currently.

CHAIR CLAMAN asked which information Representative Eastman was referencing.

REPRESENTATIVE EASTMAN answered, specifically regarding the origin of an animal.

MR. KEYES responded that finding out the number of animals that came in from Canada is fine, but the information of the origin of his neighbor animals is proprietary information because that is not in the public's interest, he opined.

[2:47:43 PM](#)

REPRESENTATIVE EASTMAN surmised that the effect of this bill would be to include that information with other proprietary information.

MR. KEYES said he was not sure he understood the question. He opined that wherever the farmer gets the cattle he puts on his farm, it is not the neighbor's business where that cattle originated.

CHAIR CLAMAN related that he was confused because he had asked Mr. Keyes whether obtaining a permit to import an animal from Canada was public information and if so, how can it be private that the animal in his backyard is from Canada.

MR. KEYES deferred to Dr. Gerlach because he is the better person to answer this specific livestock question. He opined that there is information on the import tags where the animal originated and the farm. As Mr. Wrigley had noted, it would be detrimental to a business to have it out there for public consumption. Although, he said, that does not mean a person

cannot know an animal came from Canada, but there is information that should be protected.

[2:49:31 PM](#)

DR. GERLACH explained that every animal coming into the state is required to have an ear tag listing the source of origin for that animal. In the event they are specifically arriving from Canada, they must have a Canadian specific ear tag, as well as a tattoo or a brand. Those animals are identified from their source, which is extremely important to trace if there is a disease outbreak or an issue with the health and safety of that product, he explained.

[2:50:17 PM](#)

REPRESENTATIVE EASTMAN said that he understands it is important for the department to have that information but offered concern that the public may not readily have that information. He asked whether the tag is required to stay with the animal for the life of the animal or only when they come into the state.

DR. GERLACH advised that the tag, through federal requirements, is forbidden to be taken out of that animal until it is slaughtered or processed for food.

[2:50:47 PM](#)

REPRESENTATIVE EASTMAN asked Dr. Gerlach whether this legislation will make the information regarding the animal's origin more difficult to obtain, or not have any effect.

DR. GERLACH answered that if the question is whether this animal is Alaska grown, that would be directed toward the Division of Agriculture to evaluate the circumstances, where that animal was raised, and how long it was raised in Alaska, to determine whether it met that label requirement. With respect to the number of animals coming into Alaska, OSV publishes a yearly chart to let people know how many animals have been imported into the state, which is part of annual information OSV distributes to veterinarians, farmers, and the Alaska Farm Bureau.

[2:51:58 PM](#)

REPRESENTATIVE EASTMAN re-asked his question in a different manner, as a member of the public, will this bill make it more

difficult from him to determine whether a particular animal was imported.

DR. GERLACH advised that if Representative Eastman was asking him whether he could tell advise if Chair Claman's cattle were Canadian cattle, he would say, "I will not tell you that because that's proprietary business where he has his cattle." In the event Representative Claman is marketing the cattle and selling them to Representative Eastman through the "Alaskan Grown" program, then Representative Eastman would go through the Division of Agriculture to determine whether those cattle met the requirements of the "Alaskan Grown" program.

[2:52:46 PM](#)

REPRESENTATIVE LEDOUX said she was thoroughly confused, and surmised that the public can find out, due to this permit, tattoo, or whatever, what animals have arrived from Canada. In the event her neighbor imported an animal from Canada, it is public information as to "where that animal is, correct?"

DR. GERLACH said that that information can be obtained, but through this regulation and proprietary information, how Representative Claman is building his cattle herd to enter different markets is his business plan, and it is protected as proprietary information, personal information.

[2:53:58 PM](#)

REPRESENTATIVE LEDOUX surmised that under this bill, the public will not be able to know where these cattle originated, it will only be allowed to know that 100 head of cattle came into Alaska from Canada. She further surmised that, in whose backyard those cattle have landed, the public will be not allowed to know.

DR. GERLACH answered that Representative LeDoux was correct because these cattle came in through Canada and met all of the USDA health requirements to come into the country and have met all of the Alaska requirements that they are healthy and free from infectious/contagious disease.

CHAIR CLAMAN commented that if a person was worried about where their neighbor's cattle originated, they could walk to the fence and wave the cow over and read its tag.

[2:55:22 PM](#)

CHAIR CLAMAN asked whether any member has a potential amendment for HB 315.

REPRESENTATIVE EASTMAN said that he does have an amendment because the witnesses have not been able to answer the state of the enforcement of the "Alaska Grown" program, and this legislation will limit the ability of public to oversee and identify what is "Alaska Grown." He related that it puts all of the onerous on the department "to do so," and he has heard concerns that the department is not aggressively pursuing those investigations even when credible information was offered. He said he would like to receive information from the department as to the last time it prosecuted someone for that type of abuse, and how robust is its investigation process.

CHAIR CLAMAN asked Ms. Jennifer Currie, Department of Law (DOL) whether there are any provisions in the criminal code or other code that would allow for criminal prosecution related to misuse of the "Alaska Grown" program.

[2:57:18 PM](#)

JENNIFER CURRIE, Senior Assistant Attorney General, Environmental Section, Department of Law (DOL), advised that she is unaware of any criminal provisions that would go to prosecution for improper use of the "Alaska Grown" program.

[2:57:40 PM](#)

CHAIR CLAMAN (audio difficulties) asked whether there has been any practice in the Department of Law (DOL) to bring civil actions relating to misuse of the "Alaska Grown" program.

MS. CURRIE replied that, unfortunately, she represents the Department of Environmental Conservation (DEC) and it does not have that program, and she was unaware whether there had been prosecutions.

CHAIR CLAMAN commented, or at least civil cases if not criminal prosecutions. In order to get Representative Eastman's questions answered they would need a different section in the DOL.

[2:58:31 PM](#)

REPRESENTATIVE LEDOUX asked whether any of the cannabis operations adopted the "Alaska Grown" program for their operations.

REPRESENTATIVE KOPP advised that "we don't have the testing down" even for the facilities the state does have to teach [laughter through comment - indisc.] much less "Alaska Grown."

CHAIR CLAMAN commented that as a legal matter, it must be grown in Alaska because it is illegal to cross state lines.

[2:59:08 PM](#)

REPRESENTATIVE LEDOUX opined that marijuana producers can use the label "Alaska Grown."

MR. KEYES responded that currently, no marijuana producers are allowed to use the "Alaska Grown" logo with their crop because that program is run through the Division of Agriculture and it is not accepting marijuana producers' applications. The primary reason being that it uses a lot of federal dollars for that program and it is still an illegal crop on the federal level, which would jeopardize the division's funding for that program. Also, he said, to Representative Eastman's question, if the division saw or heard of a violator possibly using "Alaska Grown" improperly, it would contact that person and potentially remove them from the "Alaska Grown" program.

[3:01:04 PM](#)

CHAIR CLAMAN asked Mr. Keyes, as Director of the Division of Agriculture, whether he was familiar with any civil lawsuits filed against anyone in connection with the misuse of the "Alaska Grown" program.

MR. KEYES reiterated that in 2016, a civil lawsuit was filed, and pointed out that during the two years of his tenure as director, the division has contacted various retail outlets when the "Alaska Grown" program was used in a questionable manner. He related that on every occasion that the division contacted the vendor, the problem was rectified with minimal issues.

[3:02:20 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 3:02 p.m.